

June 2021

Certification of Legal Instruments Urged

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Certification of Legal Instruments Urged, 27 Dicta 36 (1950).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

of the case.”²⁶ No one collection of formulae could be devised to fit all the possible circumstances that might arise. Each application of the doctrine we have here considered must, in the final analysis, rest in the sound judicial discretion of the court. It may be well to remember that such admissions are likely to have an effect upon the jury out of proportion to their probative value. When an attempt is made to show facts from which such an admission is to be inferred, the rule which is most reasonably calculated to promote the ends of justice should be the one to be applied.

CERTIFICATION OF LEGAL INSTRUMENTS URGED

Certification of legal instruments by attorneys recently received the sanction of the Board of Trustees of the Denver Bar Association, acting upon the recommendation of its Unauthorized Practice committee headed by Wm. Rann Newcomb. This action was taken in order to discourage the preparation of such documents by laymen, encourage careful draftsmanship and make authorship apparent on the face of the instrument for future consultation or correction.

The board recommended that this certification be done by means of a stamp reading: “I certify that I drafted
this instrument.

Attorney at Law”

In order to encourage the use, and pass on savings in the purchase of certification stamps, a quantity lot has been procured. These are now available to all attorneys at a cost of \$1.00 each.

The association took this step only after consultation with other bar groups which have adopted the practice, and after securing a favorable opinion from the American Bar Association's Committee on Professional Ethics and Grievances. It is contemplated primarily that such certification be placed on deeds, trust deeds, releases, mortgages, notes, contracts of sale and other instruments dealing with the transfer of real estate. However, it is also recommended for wills, contracts and all other legal documents which an attorney may prepare for his client. In cases of complicated contracts, which may be the product of two or more attorneys, there would be no necessity for its use, nor should an attorney feel required to use it in any situation where he believes that its use may be a disservice to his client.

If used extensively by the attorneys of the state in connection with conveyancing, however, it could be a very important first step

²⁶ *Lothrop v. Union Bank*, 16 Colo. 257, 261, 27 Pac. 696, 698 (1891).

in helping to prevent the preparation of such documents by real estate brokers and others. The Unauthorized Practice committee is continuing to study ways and means of implementing this entirely wholesome practice. Such possibilities are the printing of association forms of conveyancing which could be copyrighted and used exclusively by attorneys with the certification printed on. Active steps are also being taken to hit unauthorized practice through the courts.

Notwithstanding other measures which may be taken, however, the use of the certification is important in itself, and in a letter to all members of the Denver Bar Association, Mr. Newcomb stated "There should be no delay in its enthusiastic and wholehearted acceptance by the members of the bar. The use of the stamp, of course, is purely voluntary. The success of the practice, however, depends entirely upon you and the generality with which it is used."

Any member of the bar, whether or not a member of the Denver or Colorado bar association, may purchase one or more of these stamps by remitting a check for the proper amount, payable to the Denver Bar Association, 319 Chamber of Commerce Bldg.

JANUARY INSTITUTE ON CREDITORS' RIGHTS

(or Squeezing Blood from Turnips)*

Creditors' rights and remedies after judgment will be the general subject of the next institute being sponsored by the Denver Bar Association on successive Tuesday evenings, January 24 and January 31, 1950.

The institute will be open to all members of the Colorado bar, without charge, and will be held in the Chamber of Commerce Dining Room (sans dinner) beginning at 8:00 p.m. each evening.

The principal speakers and their respective subjects will be:

Tuesday, January 24

"Supplemental Proceedings and Contempt Citations" (or "Back 'Em Up to the Wall"), by Wm. Rann Newcomb.

"Rights and Remedies of Creditors with Respect to Fraudulent Conveyances" (or "Cherchez la Femme"), by Worth Allen.

Tuesday, January 31

"Levies Upon Tangible Property" (or "Save the Homestead, Little Nell"), by Graham Susman.

"Levies Upon Intangible Property" (or "Pick It Out of the Air"), by D. K. Wolfe, Jr.

(Gather up your old judgments and come to school.)

*Parenthesized comments by that intrepid Institute Chairman, Wayne D. Williams.